
SENATE BILL 5718

State of Washington

65th Legislature

2017 Regular Session

By Senator Chase

1 AN ACT Relating to the governance of the department of fish and
2 wildlife; amending RCW 43.17.020, 77.04.020, 77.04.030, 77.04.012,
3 77.04.055, 77.04.060, 77.04.080, 77.04.120, 77.04.130, 77.04.150,
4 77.12.020, 77.12.047, and 43.300.020; reenacting and amending RCW
5 77.08.010; adding a new section to chapter 77.04 RCW; creating a new
6 section; and repealing RCW 77.04.013 and 43.300.040.

7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

8 **Sec. 1.** RCW 43.17.020 and 2011 1st sp.s. c 43 s 108 are each
9 amended to read as follows:

10 There shall be a chief executive officer of each department to be
11 known as: (1) The secretary of social and health services, (2) the
12 director of ecology, (3) the director of labor and industries, (4)
13 the director of agriculture, (5) the director of fish and wildlife,
14 (6) the secretary of transportation, (7) the director of licensing,
15 (8) the director of enterprise services, (9) the director of
16 commerce, (10) the director of veterans affairs, (11) the director of
17 revenue, (12) the director of retirement systems, (13) the secretary
18 of corrections, (14) the secretary of health, (15) the director of
19 financial institutions, (16) the director of the department of
20 archaeology and historic preservation, (17) the director of early

1 learning, and (18) the executive director of the Puget Sound
2 partnership.

3 Such officers(~~(, except the director of fish and wildlife,)~~)
4 shall be appointed by the governor, with the consent of the senate,
5 and hold office at the pleasure of the governor. (~~(The director of~~
6 ~~fish and wildlife shall be appointed by the fish and wildlife~~
7 ~~commission as prescribed by RCW 77.04.055.)~~)

8 **Sec. 2.** RCW 77.04.020 and 2000 c 107 s 202 are each amended to
9 read as follows:

10 The department consists of the (~~(state fish and wildlife~~
11 ~~commission and the)) director and department staff, which are
12 appointed by and operate under the authority of the director. (~~(The~~
13 ~~commission may delegate to the director any of the powers and duties~~
14 ~~vested in the commission.)~~)~~

15 **Sec. 3.** RCW 77.04.030 and 2001 c 155 s 1 are each amended to
16 read as follows:

17 The fish and wildlife advisory commission within the department
18 of fish and wildlife consists of nine registered voters of the state.
19 In January of each odd-numbered year, the governor shall appoint
20 (~~(with the advice and consent of the senate)~~) three registered voters
21 to the commission to serve for terms of six years from that January
22 or until their successors are appointed and qualified. If a vacancy
23 occurs on the commission prior to the expiration of a term, the
24 governor shall appoint a registered voter within sixty days to
25 complete the term. Three members shall be residents of that portion
26 of the state lying east of the summit of the Cascade mountains, and
27 three shall be residents of that portion of the state lying west of
28 the summit of the Cascade mountains. Three additional members shall
29 be appointed at-large. No two members may be residents of the same
30 county. (~~(The legal office of the commission is at the administrative~~
31 ~~office of the department in Olympia.)~~)

32 NEW SECTION. **Sec. 4.** A new section is added to chapter 77.04
33 RCW to read as follows:

34 (1) The advisory commission has the following responsibilities
35 and duties:

36 (a) In consultation with all affected stakeholders, advise the
37 director regarding fish and wildlife policies and rule proposals that

1 govern hunting, fishing, wildlife viewing, habitat protection and
2 restoration, and the use of department-owned and managed lands;

3 (b) Advise the director on department agreements relating to fish
4 and wildlife harvest with tribal, interstate, international, and
5 other parties;

6 (c) Advise the director prior to the director determining the
7 status of threatened or endangered species; and

8 (d) Advise the director in developing long-term funding
9 strategies to carry out the department's mission and delivery of
10 programs to the public.

11 (2) In providing advice to the director on agency proposed
12 policies and rules, the advisory commission shall consider the
13 following factors:

14 (a) The effect of the management measures on local economies,
15 businesses, and social structures;

16 (b) The welfare of the constituent group affected;

17 (c) Potential conflicts among user groups using a specific
18 fishery or wildlife resource; and

19 (d) Enforcement issues unique to a particular fishery or wildlife
20 issue.

21 **Sec. 5.** RCW 77.04.012 and 2000 c 107 s 2 are each amended to
22 read as follows:

23 Wildlife, fish, and shellfish are the property of the state. The
24 (~~commission, director, and the~~) department shall preserve, protect,
25 perpetuate, and manage the wildlife and food fish, game fish, and
26 shellfish in state waters and offshore waters.

27 The department shall conserve the wildlife and food fish, game
28 fish, and shellfish resources in a manner that does not impair the
29 resource. In a manner consistent with this goal, the department shall
30 (~~seek to~~) maintain the economic well-being and stability of the
31 fishing industry in the state, which includes equitably balancing
32 recreational and commercial fishing interests. The department shall
33 promote orderly fisheries and shall enhance and improve recreational
34 and commercial fishing in this state. Additionally, the department
35 must consider the public's interest in having food fish available for
36 purchase by consumers.

37 The (~~commission~~) department may authorize the taking of
38 wildlife, food fish, game fish, and shellfish only at times or
39 places, or in manners or quantities, as in the judgment of the

1 ((~~commission~~)) department does not impair the supply of these
2 resources.

3 The ((~~commission~~)) department shall attempt to maximize the
4 public recreational game fishing and hunting opportunities of all
5 citizens, including juveniles, ((~~disabled~~)) individuals with
6 disabilities, and senior citizens.

7 Recognizing that the management of our state wildlife, food fish,
8 game fish, and shellfish resources depends heavily on the assistance
9 of volunteers, the department shall work cooperatively with volunteer
10 groups and individuals to achieve the goals of this title to the
11 greatest extent possible.

12 Nothing in this title shall be construed to infringe on the right
13 of a private property owner to control the owner's private property.

14 **Sec. 6.** RCW 77.04.055 and 2000 c 107 s 204 are each amended to
15 read as follows:

16 (1) In establishing policies to preserve, protect, and perpetuate
17 wildlife, fish, and wildlife and fish habitat, the ((~~commission~~))
18 director shall meet annually with the governor to:

19 (a) Review and prescribe basic goals and objectives related to
20 those policies; and

21 (b) Review the performance of the department in implementing fish
22 and wildlife policies.

23 The ((~~commission~~)) department shall maximize fishing, hunting,
24 and outdoor recreational opportunities compatible with healthy and
25 diverse fish and wildlife populations.

26 (2) The ((~~commission~~)) department shall establish hunting,
27 trapping, and fishing seasons and prescribe the time, place, manner,
28 and methods that may be used to harvest or enjoy game fish and
29 wildlife.

30 (3) The ((~~commission~~)) department shall establish provisions
31 regulating food fish and shellfish as provided in RCW 77.12.047.

32 (4) The ((~~commission~~)) department shall have final approval
33 authority for tribal, interstate, international, and any other
34 department agreements relating to fish and wildlife.

35 (5) The ((~~commission~~)) department shall adopt rules to implement
36 the state's fish and wildlife laws.

37 ~~((6) The commission shall have final approval authority for the~~
38 ~~department's budget proposals.~~

1 ~~(7) The commission shall select its own staff and shall appoint~~
2 ~~the director of the department. The director and commission staff~~
3 ~~shall serve at the pleasure of the commission.))~~

4 **Sec. 7.** RCW 77.04.060 and 2013 c 23 s 238 are each amended to
5 read as follows:

6 The advisory commission shall hold at least one regular meeting
7 during the first two months of each calendar quarter, and special
8 meetings when called by the chair and by five members. Five members
9 constitute a quorum for the transaction of business.

10 The advisory commission at a meeting in each odd-numbered year
11 shall elect one of its members as chair and another member as vice
12 chair, each of whom shall serve for a term of two years or until a
13 successor is elected and qualified.

14 Members of the advisory commission (~~(shall be compensated in~~
15 ~~accordance with RCW 43.03.250. In addition, members))~~ are allowed
16 their travel expenses incurred while absent from their usual places
17 of residence in accordance with RCW 43.03.050 and 43.03.060.

18 **Sec. 8.** RCW 77.04.080 and 2000 c 107 s 205 are each amended to
19 read as follows:

20 Persons eligible for appointment as director shall have practical
21 knowledge of the habits and distribution of fish and wildlife. The
22 director shall supervise the administration and operation of the
23 department and perform the duties prescribed by law (~~(and delegated~~
24 ~~by the commission))~~). The director shall carry out the basic goals and
25 objectives prescribed under RCW 77.04.055. The director may appoint
26 and employ necessary personnel. The director may delegate, in
27 writing, to department personnel the duties and powers necessary for
28 efficient operation and administration of the department.

29 Only persons having general knowledge of the fisheries and
30 wildlife resources and of the commercial and recreational fishing
31 industry in this state are eligible for appointment as director. The
32 director shall not have a financial interest in the fishing industry
33 or a directly related industry. The director shall receive the salary
34 fixed by the governor under RCW 43.03.040.

35 ~~((The director is the ex officio secretary of the commission and~~
36 ~~shall attend its meetings and keep a record of its business.))~~

1 **Sec. 9.** RCW 77.04.120 and 2000 c 107 s 3 are each amended to
2 read as follows:

3 (1) The ~~((director))~~ department shall investigate the habits,
4 supply, and economic use of food fish and shellfish in state and
5 offshore waters.

6 (2) The ~~((director))~~ department shall make an annual report to
7 the governor on the operation of the department and the statistics of
8 the fishing industry.

9 (3) Subject to RCW 40.07.040, the ~~((director))~~ department shall
10 provide a comprehensive biennial report of all departmental
11 operations to the chairs of the committees on natural resources of
12 the senate and house of representatives, the senate ways and means
13 committee, and the house of representatives appropriations committee,
14 ~~((including one copy to the staff of each of the committees,))~~ to
15 reflect the previous fiscal period. The ~~((format of the))~~ report
16 shall ~~((be similar to reports issued by the department from 1964-1970
17 and the report shall))~~ include, but not be limited to, descriptions
18 of all department activities including: Revenues generated, program
19 costs, capital expenditures, personnel, special projects, new and
20 ongoing research, environmental controls, cooperative projects,
21 intergovernmental agreements, and outlines of ongoing litigation,
22 recent court decisions and orders on major issues with the potential
23 for state liability. The report shall describe the status of the
24 resource and its recreational, commercial, and tribal utilization.
25 The report shall be made available to the public.

26 **Sec. 10.** RCW 77.04.130 and 1995 1st sp.s. c 2 s 12 are each
27 amended to read as follows:

28 (1) Rules of the ~~((commission))~~ department shall be adopted by
29 the ~~((commission))~~ director or a designee in accordance with chapter
30 34.05 RCW.

31 (2) Rules of the ~~((commission))~~ department shall be admitted as
32 evidence in the courts of the state when accompanied by an affidavit
33 from the ~~((commission))~~ director or a designee certifying that the
34 rule has been lawfully adopted and the affidavit is prima facie
35 evidence of the adoption of the rule.

36 (3) The ~~((commission))~~ director may designate department
37 employees to act on the ~~((commission's))~~ department's behalf in the
38 adoption and certification of rules.

1 **Sec. 11.** RCW 77.04.150 and 2008 c 294 s 1 are each amended to
2 read as follows:

3 (1) The (~~commission~~) director must appoint an advisory
4 committee to generally represent the interests of hunters and fishers
5 with disabilities on matters including, but not limited to, special
6 hunts, modified sporting equipment, access to public land, and
7 hunting and fishing opportunities. The advisory committee is composed
8 of seven members, each being an individual with a disability. The
9 advisory committee members must represent the entire state. The
10 members must be appointed so that each of the six department
11 administrative regions, as they existed on January 1, 2007, are
12 represented with one resident on the advisory committee. One
13 additional member must be appointed at large. The chair of the
14 advisory committee must be a member of the advisory committee and
15 shall be selected by the members of the advisory committee.

16 (2) For the purposes of this section, an individual with a
17 disability includes but is not limited to:

18 (a) An individual with a permanent disability who is not
19 ambulatory over natural terrain without a prosthesis or assistive
20 device;

21 (b) An individual with a permanent disability who is unable to
22 walk without the use of assistance from a brace, cane, crutch,
23 wheelchair, scooter, walker, or other assistive device;

24 (c) An individual who has a cardiac condition to the extent that
25 the individual's functional limitations are severe;

26 (d) An individual who is restricted by lung disease to the extent
27 that the individual's functional limitations are severe;

28 (e) An individual who is totally blind or visually impaired; or

29 (f) An individual with a permanent disability with upper or lower
30 extremity impairments who does not have the use of one or both upper
31 or lower extremities.

32 (3) The members of the advisory committee are appointed for a
33 four-year term. If a vacancy occurs on the advisory committee prior
34 to the expiration of a term, the (~~commission~~) director must appoint
35 a replacement within sixty days to complete the term.

36 (4) The advisory committee must meet at least semiannually, and
37 may meet at other times as requested by a majority of the advisory
38 committee members for any express purpose that directly relates to
39 the duties set forth in subsection (1) of this section. A majority of
40 members currently serving on the advisory committee constitutes a

1 quorum. The department must provide staff support for all official
2 advisory committee meetings.

3 (5) Each member of the advisory committee shall serve without
4 compensation but may be reimbursed for travel expenses as authorized
5 in RCW 43.03.050 and 43.03.060.

6 (6) The members of the advisory committee, or individuals acting
7 on their behalf, are immune from civil liability for official acts
8 performed in the course of their duties.

9 (7) Beginning December 1, 2011, and again at least once every
10 four years, the ~~((commission))~~ department shall present a report to
11 the appropriate legislative committees detailing the effectiveness of
12 the advisory committee including, but not limited to, the
13 participation levels, general interest, quality of advice, and
14 recommendations as to the advisory committee's continuance or
15 modification.

16 **Sec. 12.** RCW 77.12.020 and 2014 c 202 s 302 are each amended to
17 read as follows:

18 (1) The director shall investigate the habits and distribution of
19 the various species of wildlife native to or adaptable to the
20 habitats of the state. The ~~((commission))~~ director shall determine
21 whether a species should be managed by the department and, if so,
22 classify it under this section.

23 (2) The ~~((commission))~~ department may classify by rule wild
24 animals as game animals and game animals as fur-bearing animals.

25 (3) The ~~((commission))~~ department may classify by rule wild birds
26 as game birds or predatory birds. All wild birds not otherwise
27 classified are protected wildlife.

28 (4) In addition to those species listed in RCW 77.08.020, the
29 ~~((commission))~~ department may classify by rule as game fish other
30 species of the class Osteichthyes that are commonly found in
31 freshwater except those classified as food fish by the director.

32 (5) The director may recommend ~~((to the commission))~~ that a
33 species of wildlife should not be hunted or fished. The
34 ~~((commission))~~ department may designate species of wildlife as
35 protected.

36 (6) If the director determines that a species of wildlife is
37 seriously threatened with extinction in the state of Washington, the
38 ~~((director))~~ department may ~~((request its designation as an~~

1 ~~endangered species. The commission may~~) designate it as an
2 endangered species.

3 (7) If the director determines that a species of the animal
4 kingdom, not native to Washington, is dangerous to the environment or
5 wildlife of the state, the ~~((director))~~ department may ~~((request its
6 designation))~~ designate it as deleterious exotic wildlife. ~~((The
7 commission may designate deleterious exotic wildlife.))~~

8 ~~((Upon recommendation by the director, the commission))~~ The
9 department may develop a work plan to eradicate native aquatic
10 species that threaten human health. Priority shall be given to water
11 bodies that the department of health has classified as representing a
12 threat to human health based on the presence of a native aquatic
13 species.

14 **Sec. 13.** RCW 77.08.010 and 2016 c 2 s 2 (Initiative Measure No.
15 1401) are each reenacted and amended to read as follows:

16 The definitions in this section apply throughout this title or
17 rules adopted under this title unless the context clearly requires
18 otherwise.

19 (1) "Anadromous game fish buyer" means a person who purchases or
20 sells steelhead trout and other anadromous game fish harvested by
21 Indian fishers lawfully exercising fishing rights reserved by federal
22 statute, treaty, or executive order, under conditions prescribed by
23 rule of the director.

24 (2) "Angling gear" means a line attached to a rod and reel
25 capable of being held in hand while landing the fish or a handheld
26 line operated without rod or reel.

27 (3) "Bag limit" means the maximum number of game animals, game
28 birds, or game fish which may be taken, caught, killed, or possessed
29 by a person, as specified by rule of the ~~((commission))~~ department
30 for a particular period of time, or as to size, sex, or species.

31 (4) "Building" means a private domicile, garage, barn, or public
32 or commercial building.

33 (5) "Closed area" means a place where the hunting of some or all
34 species of wild animals or wild birds is prohibited.

35 (6) "Closed season" means all times, manners of taking, and
36 places or waters other than those established by rule of the
37 ~~((commission))~~ department as an open season. "Closed season" also
38 means all hunting, fishing, taking, or possession of game animals,
39 game birds, game fish, food fish, or shellfish that do not conform to

1 the special restrictions or physical descriptions established by rule
2 of the (~~commission~~) department as an open season or that have not
3 otherwise been deemed legal to hunt, fish, take, harvest, or possess
4 by rule of the (~~commission~~) department as an open season.

5 (7) "Closed waters" means all or part of a lake, river, stream,
6 or other body of water, where fishing or harvesting is prohibited.

7 (8) "Commercial" means related to or connected with buying,
8 selling, or bartering.

9 (9) "Commission" means the (~~state~~) department of fish and
10 wildlife (~~commission~~).

11 (10) "Concurrent waters of the Columbia river" means those waters
12 of the Columbia river that coincide with the Washington-Oregon state
13 boundary.

14 (11) "Contraband" means any property that is unlawful to produce
15 or possess.

16 (12) "Covered animal species" means any species of elephant,
17 rhinoceros, tiger, lion, leopard, cheetah, pangolin, marine turtle,
18 shark, or ray either: (a) Listed in appendix I or appendix II of the
19 convention on international trade in endangered species of wild flora
20 and fauna; or (b) listed as critically endangered, endangered, or
21 vulnerable on the international union for conservation of nature and
22 natural resources red list of threatened species.

23 (13) "Covered animal species part or product" means any item that
24 contains, or is wholly or partially made from, any covered animal
25 species.

26 (14) "Deleterious exotic wildlife" means species of the animal
27 kingdom not native to Washington and designated as dangerous to the
28 environment or wildlife of the state.

29 (15) "Department" means the department of fish and wildlife.

30 (16) "Director" means the director of fish and wildlife.

31 (17) "Distribute" or "distribution" means either a change in
32 possession for consideration or a change in legal ownership.

33 (18) "Endangered species" means wildlife designated by the
34 (~~commission~~) department as seriously threatened with extinction.

35 (19) "Ex officio fish and wildlife officer" means:

36 (a) A commissioned officer of a municipal, county, or state
37 agency having as its primary function the enforcement of criminal
38 laws in general, while the officer is acting in the respective
39 jurisdiction of that agency;

1 (b) An officer or special agent commissioned by one of the
2 following: The national marine fisheries service; the Washington
3 state parks and recreation commission; the United States fish and
4 wildlife service; the Washington state department of natural
5 resources; the United States forest service; or the United States
6 parks service, if the agent or officer is in the respective
7 jurisdiction of the primary commissioning agency and is acting under
8 a mutual law enforcement assistance agreement between the department
9 and the primary commissioning agency;

10 (c) A commissioned fish and wildlife peace officer from another
11 state who meets the training standards set by the Washington state
12 criminal justice training commission pursuant to RCW 10.93.090,
13 43.101.080, and 43.101.200, and who is acting under a mutual law
14 enforcement assistance agreement between the department and the
15 primary commissioning agency; or

16 (d) A Washington state tribal police officer who successfully
17 completes the requirements set forth under RCW 43.101.157, is
18 employed by a tribal nation that has complied with RCW 10.92.020(2)
19 (a) and (b), and is acting under a mutual law enforcement assistance
20 agreement between the department and the tribal government.

21 (20) "Fish" includes all species classified as game fish or food
22 fish by statute or rule, as well as all fin fish not currently
23 classified as food fish or game fish if such species exist in state
24 waters. The term "fish" includes all stages of development and the
25 bodily parts of fish species.

26 (21) "Fish and wildlife officer" means a person appointed and
27 commissioned by the director, with authority to enforce this title
28 and rules adopted pursuant to this title, and other statutes as
29 prescribed by the legislature. Fish and wildlife officer includes a
30 person commissioned before June 11, 1998, as a wildlife agent or a
31 fisheries patrol officer.

32 (22) "Fish broker" means a person whose business it is to bring a
33 seller of fish and shellfish and a purchaser of those fish and
34 shellfish together.

35 (23) "Fish buyer" means:

36 (a) A wholesale fish dealer or a retail seller who directly
37 receives fish or shellfish from a commercial fisher or receives fish
38 or shellfish in interstate or foreign commerce; or

39 (b) A person engaged by a wholesale fish dealer who receives fish
40 or shellfish from a commercial fisher.

1 (24) "Fishery" means the taking of one or more particular species
2 of fish or shellfish with particular gear in a particular
3 geographical area.

4 (25) "Food, food waste, or other substance" includes human and
5 pet food or other waste or garbage that could attract large wild
6 carnivores.

7 (26) "Freshwater" means all waters not defined as saltwater
8 including, but not limited to, rivers upstream of the river mouth,
9 lakes, ponds, and reservoirs.

10 (27) "Fur-bearing animals" means game animals that shall not be
11 trapped except as authorized by the ((~~commission~~)) department.

12 (28) "Fur dealer" means a person who purchases, receives, or
13 resells raw furs for commercial purposes.

14 (29) "Game animals" means wild animals that shall not be hunted
15 except as authorized by the ((~~commission~~)) department.

16 (30) "Game birds" means wild birds that shall not be hunted
17 except as authorized by the ((~~commission~~)) department.

18 (31) "Game farm" means property on which wildlife is held,
19 confined, propagated, hatched, fed, or otherwise raised for
20 commercial purposes, trade, or gift. The term "game farm" does not
21 include publicly owned facilities.

22 (32) "Game reserve" means a closed area where hunting for all
23 wild animals and wild birds is prohibited.

24 (33) "Illegal items" means those items unlawful to be possessed.

25 (34)(a) "Intentionally feed, attempt to feed, or attract" means
26 to purposefully or knowingly provide, leave, or place in, on, or
27 about any land or building any food, food waste, or other substance
28 that attracts or could attract large wild carnivores to that land or
29 building.

30 (b) "Intentionally feed, attempt to feed, or attract" does not
31 include keeping food, food waste, or other substance in an enclosed
32 garbage receptacle or other enclosed container unless specifically
33 directed by a fish and wildlife officer or animal control authority
34 to secure the receptacle or container in another manner.

35 (35) "Large wild carnivore" includes wild bear, cougar, and wolf.

36 (36) "License year" means the period of time for which a
37 recreational license is valid. The license year begins April 1st, and
38 ends March 31st.

39 (37) "Limited-entry license" means a license subject to a license
40 limitation program established in chapter 77.70 RCW.

1 (38) "Money" means all currency, script, personal checks, money
2 orders, or other negotiable instruments.

3 (39) "Natural person" means a human being.

4 (40)(a) "Negligently feed, attempt to feed, or attract" means to
5 provide, leave, or place in, on, or about any land or building any
6 food, food waste, or other substance that attracts or could attract
7 large wild carnivores to that land or building, without the awareness
8 that a reasonable person in the same situation would have with regard
9 to the likelihood that the food, food waste, or other substance could
10 attract large wild carnivores to the land or building.

11 (b) "Negligently feed, attempt to feed, or attract" does not
12 include keeping food, food waste, or other substance in an enclosed
13 garbage receptacle or other enclosed container unless specifically
14 directed by a fish and wildlife officer or animal control authority
15 to secure the receptacle or container in another manner.

16 (41) "Nonresident" means a person who has not fulfilled the
17 qualifications of a resident.

18 (42) "Offshore waters" means marine waters of the Pacific Ocean
19 outside the territorial boundaries of the state, including the marine
20 waters of other states and countries.

21 (43) "Open season" means those times, manners of taking, and
22 places or waters established by rule of the (~~commission~~) department
23 for the lawful hunting, fishing, taking, or possession of game
24 animals, game birds, game fish, food fish, or shellfish that conform
25 to the special restrictions or physical descriptions established by
26 rule of the (~~commission~~) department or that have otherwise been
27 deemed legal to hunt, fish, take, or possess by rule of the
28 (~~commission~~) department. "Open season" includes the first and last
29 days of the established time.

30 (44) "Owner" means the person in whom is vested the ownership
31 dominion, or title of the property.

32 (45) "Person" means and includes an individual; a corporation; a
33 public or private entity or organization; a local, state, or federal
34 agency; all business organizations, including corporations and
35 partnerships; or a group of two or more individuals acting with a
36 common purpose whether acting in an individual, representative, or
37 official capacity.

38 (46) "Personal property" or "property" includes both corporeal
39 and incorporeal personal property and includes, among other property,
40 contraband and money.

1 (47) "Personal use" means for the private use of the individual
2 taking the fish or shellfish and not for sale or barter.

3 (48) "Predatory birds" means wild birds that may be hunted
4 throughout the year as authorized by the (~~commission~~) department.

5 (49) "Protected wildlife" means wildlife designated by the
6 (~~commission~~) department that shall not be hunted or fished.

7 (50) "Raffle" means an activity in which tickets bearing an
8 individual number are sold for not more than twenty-five dollars each
9 and in which a permit or permits are awarded to hunt or for access to
10 hunt big game animals or wild turkeys on the basis of a drawing from
11 the tickets by the person or persons conducting the raffle.

12 (51) "Resident" has the same meaning as defined in RCW 77.08.075.

13 (52) "Retail-eligible species" means commercially harvested
14 salmon, crab, and sturgeon.

15 (53) "Saltwater" means those marine waters seaward of river
16 mouths.

17 (54) "Seaweed" means marine aquatic plant species that are
18 dependent upon the marine aquatic or tidal environment, and exist in
19 either an attached or free floating form, and includes but is not
20 limited to marine aquatic plants in the classes Chlorophyta,
21 Phaeophyta, and Rhodophyta.

22 (55) "Senior" means a person seventy years old or older.

23 (56) "Shark fin" means a raw, dried, or otherwise processed
24 detached fin or tail of a shark.

25 (57)(a) "Shark fin derivative product" means any product intended
26 for use by humans or animals that is derived in whole or in part from
27 shark fins or shark fin cartilage.

28 (b) "Shark fin derivative product" does not include a drug
29 approved by the United States food and drug administration and
30 available by prescription only or medical device or vaccine approved
31 by the United States food and drug administration.

32 (58) "Shellfish" means those species of marine and freshwater
33 invertebrates that have been classified and that shall not be taken
34 or possessed except as authorized by rule of the (~~commission~~)
35 department. The term "shellfish" includes all stages of development
36 and the bodily parts of shellfish species.

37 (59) "State waters" means all marine waters and fresh waters
38 within ordinary high water lines and within the territorial
39 boundaries of the state.

1 (60) "Taxidermist" means a person who, for commercial purposes,
2 creates lifelike representations of fish and wildlife using fish and
3 wildlife parts and various supporting structures.

4 (61) "To fish" and its derivatives means an effort to kill,
5 injure, harass, harvest, or capture a fish or shellfish.

6 (62) "To hunt" and its derivatives means an effort to kill,
7 injure, harass, harvest, or capture a wild animal or wild bird.

8 (63) "To process" and its derivatives mean preparing or
9 preserving fish, wildlife, or shellfish.

10 (64) "To take" and its derivatives means to kill, injure,
11 harvest, or capture a fish, shellfish, wild animal, bird, or seaweed.

12 (65) "To trap" and its derivatives means a method of hunting
13 using devices to capture wild animals or wild birds.

14 (66) "To waste" or "to be wasted" means to allow any edible
15 portion of any game bird, food fish, game fish, shellfish, or big
16 game animal other than cougar to be rendered unfit for human
17 consumption, or to fail to retrieve edible portions of such a game
18 bird, food fish, game fish, shellfish, or big game animal other than
19 cougar from the field. For purposes of this chapter, edible portions
20 of game birds must include, at a minimum, the breast meat of those
21 birds. Entrails, including the heart and liver, of any wildlife
22 species are not considered edible.

23 (67) "Trafficking" means offering, attempting to engage, or
24 engaging in sale, barter, or purchase of fish, shellfish, wildlife,
25 or deleterious exotic wildlife.

26 (68) "Unclaimed" means that no owner of the property has been
27 identified or has requested, in writing, the release of the property
28 to themselves nor has the owner of the property designated an
29 individual to receive the property or paid the required postage to
30 effect delivery of the property.

31 (69) "Unclassified wildlife" means wildlife existing in
32 Washington in a wild state that have not been classified as big game,
33 game animals, game birds, predatory birds, protected wildlife,
34 endangered wildlife, or deleterious exotic wildlife.

35 (70) "Wholesale fish dealer" means a person who, acting for
36 commercial purposes, takes possession or ownership of fish or
37 shellfish and sells, barter, or exchanges or attempts to sell,
38 barter, or exchange fish or shellfish that have been landed into the
39 state of Washington or entered the state of Washington in interstate
40 or foreign commerce.

1 (71) "Wild animals" means those species of the class Mammalia
2 whose members exist in Washington in a wild state. The term "wild
3 animal" does not include feral domestic mammals or old world rats and
4 mice of the family Muridae of the order Rodentia.

5 (72) "Wild birds" means those species of the class Aves whose
6 members exist in Washington in a wild state.

7 (73) "Wildlife" means all species of the animal kingdom whose
8 members exist in Washington in a wild state. This includes but is not
9 limited to mammals, birds, reptiles, amphibians, fish, and
10 invertebrates. The term "wildlife" does not include feral domestic
11 mammals, old world rats and mice of the family Muridae of the order
12 Rodentia, or those fish, shellfish, and marine invertebrates
13 classified as food fish or shellfish by the director. The term
14 "wildlife" includes all stages of development and the bodily parts of
15 wildlife members.

16 (74) "Wildlife meat cutter" means a person who packs, cuts,
17 processes, or stores wildlife for consumption for another for
18 commercial purposes.

19 (75) "Youth" means a person fifteen years old for fishing and
20 under sixteen years old for hunting.

21 (76) "Advisory commission" means the fish and wildlife advisory
22 commission created under RCW 77.04.030.

23 **Sec. 14.** RCW 77.12.047 and 2001 c 253 s 14 are each amended to
24 read as follows:

25 (1) The (~~commission~~) department may adopt, amend, or repeal
26 rules as follows:

27 (a) Specifying the times when the taking of wildlife, fish, or
28 shellfish is lawful or unlawful.

29 (b) Specifying the areas and waters in which the taking and
30 possession of wildlife, fish, or shellfish is lawful or unlawful.

31 (c) Specifying and defining the gear, appliances, or other
32 equipment and methods that may be used to take wildlife, fish, or
33 shellfish, and specifying the times, places, and manner in which the
34 equipment may be used or possessed.

35 (d) Regulating the importation, transportation, possession,
36 disposal, landing, and sale of wildlife, fish, shellfish, or seaweed
37 within the state, whether acquired within or without the state.

38 (e) Regulating the prevention and suppression of diseases and
39 pests affecting wildlife, fish, or shellfish.

1 (f) Regulating the size, sex, species, and quantities of
2 wildlife, fish, or shellfish that may be taken, possessed, sold, or
3 disposed of.

4 (g) Specifying the statistical and biological reports required
5 from fishers, dealers, boathouses, or processors of wildlife, fish,
6 or shellfish.

7 (h) Classifying species of marine and freshwater life as food
8 fish or shellfish.

9 (i) Classifying the species of wildlife, fish, and shellfish that
10 may be used for purposes other than human consumption.

11 (j) Regulating the taking, sale, possession, and distribution of
12 wildlife, fish, shellfish, or deleterious exotic wildlife.

13 (k) Establishing game reserves and closed areas where hunting for
14 wild animals or wild birds may be prohibited.

15 (l) Regulating the harvesting of fish, shellfish, and wildlife in
16 the federal exclusive economic zone by vessels or individuals
17 registered or licensed under the laws of this state.

18 (m) Authorizing issuance of permits to release, plant, or place
19 fish or shellfish in state waters.

20 (n) Governing the possession of fish, shellfish, or wildlife so
21 that the size, species, or sex can be determined visually in the
22 field or while being transported.

23 (o) Other rules necessary to carry out this title and the
24 purposes and duties of the department.

25 (2) Subsections (1)(a), (b), (c), (d), and (f) of this section do
26 not apply to private tideland owners and lessees and the immediate
27 family members of the owners or lessees of state tidelands, when they
28 take or possess oysters, clams, cockles, borers, or mussels,
29 excluding razor clams, produced on their own private tidelands or
30 their leased state tidelands for personal use.

31 "Immediate family member" for the purposes of this section means
32 a spouse, brother, sister, grandparent, parent, child, or grandchild.

33 (3) Except for subsection (1)(g) of this section, this section
34 does not apply to private sector cultured aquatic products as defined
35 in RCW 15.85.020. Subsection (1)(g) of this section does apply to
36 such products.

37 **Sec. 15.** RCW 43.300.020 and 1993 sp.s. c 2 s 3 are each amended
38 to read as follows:

39 As used in this chapter, unless the context indicates otherwise:

- 1 (1) "Department" means the department of fish and wildlife.
2 (2) "Director" means the director of fish and wildlife.
3 (~~(3) "Commission" means the fish and wildlife commission.~~)

4 NEW SECTION. **Sec. 16.** (1) The code reviser shall note wherever
5 the fish and wildlife commission is used or referred to in statute
6 that the fish and wildlife commission is the fish and wildlife
7 advisory commission and operates in an advisory capacity.

8 (2) The code reviser shall prepare legislation for the 2018
9 regular legislative session that changes all statutory references to
10 the fish and wildlife commission to the department of fish and
11 wildlife.

12 (3) The department of fish and wildlife must make
13 recommendations, in the form of draft legislation, to the appropriate
14 committees of the senate and house of representatives on any other
15 statutory changes recommended to fully implement this act.

16 NEW SECTION. **Sec. 17.** The following acts or parts of acts are
17 each repealed:

18 (1) RCW 77.04.013 (Findings and intent) and 1995 1st sp.s. c 2 s
19 1; and

20 (2) RCW 43.300.040 (Director's duties) and 1996 c 267 s 33 & 1993
21 sp.s. c 2 s 5.

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